

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
MICRO MOTION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>C.A. No. 09-CV-10319-NG</b>
	)	
KROHNE, INC. and	)	
	)	
KROHNE MESSTECHNIK GmbH & Co. KG,	)	
	)	
Defendants.	)	
_____	)	

**Declaration of Megan F. Raymond In Support of Micro Motion, Inc.'s Second  
Motion to Compel**

I, Megan F. Raymond, hereby declare as follows:

(1) I am an attorney admitted to practice in the Commonwealth of Massachusetts and the District of Columbia. I am admitted *pro hac vice* in the above-captioned action. I am an associate at the law firm of Ropes & Gray LLP. Ropes & Gray LLP is counsel for Plaintiff Micro Motion, Inc. ("Micro Motion").

(2) I submit this Declaration in support of Micro Motion Inc.'s Second Motion to Compel Production of Documents by Krohne Messtechnik GmbH & Co. KG ("Krohne KG") (collectively, "Krohne") dated September 4, 2010.

(3) The facts stated in this Declaration are based on my personal knowledge.

(4) Attached as Exhibit 1 is a true and correct copy of Micro Motion's First Set of Requests for Production of Documents and Things to Defendant Krohne Messtechnik GmbH & Co. KG dated December 4, 2009.

(5) Micro Motion served its First Set of Requests for Production of Documents and Things to Defendant Krohne, Inc. on August 5, 2009. They contained a few more Requests for Production than did the Requests for Production to Krohne KG. Otherwise the two sets of Requests for Production were virtually identical.

(6) Attached as Exhibit 2 is a true and correct copy of Krohne Messtechnik GmbH & Co. KG's January 22, 2010 responses to Micro Motion's First Set of Requests for Production of Documents and Things to Defendant Krohne Messtechnik GmbH & Co. KG dated December 4, 2009.

(7) Attached as Exhibit 3 is a true and correct copy of a June 1, 2010 letter from my associate, Aaron Jacobs, to Brian Carroll, counsel for Krohne, memorializing their phone conversation that had occurred that day, with relevant portions highlighted.

(8) Attached as Exhibit 4 is a true and correct copy of an email I received from Mr. Carroll dated August 27, 2010. Shortly after noon on August 27, 2010, I received a voicemail from Mr. Carroll stating that the production of Krohne KG's documents promised that day would be further delayed and that he could explain the technical problems with the production during a telephone call. Mr. Carroll and I spoke on the phone later that afternoon. He could not provide details about the technical problems delaying the production of documents, nor could he estimate the volume of documents that he expected Krohne KG to produce in the next production. He also could not confirm how many documents he believed would be contained in subsequent production(s).

(9) Attached as Exhibit 5 is a true and correct copy of the May 24, 2010 email sent from Mr. Carroll to Mr. Jacobs.

(10) I have reviewed transmittal letters received from Krohne KG and performed a document count on the associated documents. As of May 24, 2010, Krohne KG had produced only 26 documents, totaling 323 pages.

(11) Attached as Exhibit 6 is a true and correct copy of a June 22, 2010 letter I sent to Mr. Carroll, with relevant portions highlighted.

(12) Attached as Exhibit 7 is a true and correct copy of a June 25, 2010 letter I received from Mr. Carroll, with relevant portions highlighted.

(13) I have reviewed the transmittal letters corresponding to Micro Motion's production and found that, through July 1, 2010, Micro Motion had produced 79,141 documents, totaling 1,355,156 pages.

(14) I have reviewed the transmittal letters corresponding to Krohne KG's productions and have determined that, through July 1, 2010, Krohne KG had produced only 310 documents, totaling 2,736 pages.

(15) On July 7, 2010, I had a phone conversation with Mr. Carroll. Attached as Exhibit 8 is a true and correct copy of the July 7, 2010 email I sent to Mr. Carroll memorializing that conversation, and a reply dated July 8, 2010 from Mr. Carroll, with relevant portions highlighted.

(16) Neither Mr. Carroll nor any other counsel for Krohne followed up on our July 7, 2010 phone conversation or my July 7, 2010 email to inform me that Krohne KG's production would not be complete by the first week of August. Nor did Mr. Carroll or any other counsel for Krohne KG provide an update as to the status of Krohne KG's production by July 14, 2010.

(17) Attached as Exhibit 9 is a true and correct copy of the July 19, 2010 email I sent to Mr. Carroll, along with the related string of emails, with relevant portions highlighted.

(18) On July 20, 2010, I had a conversation with Mr. Carroll regarding Krohne KG's production. Attached as Exhibit 10 is a true and correct copy of my July 21, 2010 email to Mr. Carroll memorializing that conversation, with relevant portions highlighted.

(19) Micro Motion did not receive a production from Krohne KG on August 13, 2010, nor any production dated and mailed August 13, 2010.

(20) On August 17, 2010, Mr. Carroll sent me an email stating that the August 13, 2010 production had been delayed until August 16, 2010. Attached as Exhibit 11 is a true and correct copy of the email I wrote to Mr. Carroll dated August 17, 2010, and his response to me on the same day, with relevant portions highlighted.

(21) The August 16, 2010 production contained 553 documents, totaling 4,280 pages. I have reviewed the transmittal letters corresponding to Krohne KG's productions and have determined that, through August 16, 2010, Krohne KG had only produced approximately 908 documents, totaling 7,563 pages.

(22) Attached as Exhibit 12 is a true and correct copy of an email I received from Michael Dowd, another counsel for Krohne, on September 3, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 4, 2010

/s/Megan Raymond  
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